

### **REMARKS**

This paper is filed in response to the Restriction Requirement set forth in the Office action (Paper No. 20080325) mailed on 1 April 2008. Reconsideration and re-examination are respectfully requested.

#### **Listing of the Claims**

Pursuant to 37 CFR §1.121(c), this listing of the claims, including the text of the claims, will serve to replace all prior versions of the claims, in the application.

#### **Amendment of the Claims**

No amendments of the claims are made by this Paper. Linking claims 18 through 20 are newly added.

#### **Status of the Claims**

Upon entry of this Paper, claims 1 through 20 will be pending.

#### **Requirement for Restriction - 37 CFR §1.142**

In the Office action mailed on 1 April 2008 (Paper No. 20080325), the Examiner pursuant to 35 U.S.C. §121 and 37 CFR §1.142 required a restriction between:

- Group I: Claims 1 through 13, drawn to a flat panel display, classified in class 257, subclass 690;
- Group II: Claims 14 through 17, drawn to a method of fabricating a flat panel display, classified in class 438, subclass 123.

**Applicant's Election - 37 CFR §1.142**

Applicants respectfully traverse the election requirement imposed in the Office action, but provisionally elect Group I, covered by claims 1-13, drawn to a flat panel display, classified in class 257, subclass 690.

**Applicant's Traversal of the Requirement for Restriction - 37 CFR §1.142**

Applicant objects to and traverses the restriction requirement on the grounds that the subject matter of the two groups are overlap and must be simultaneously examined in compliance with 37 CFR §1.104(a). In addition, the mandatory fields of search for the two embodiments are coextensive. Finally, it appears that the restriction requirement is being imposed merely for administrative convenience, and such a basis for imposition of a restriction requirement has been prohibited in previous decisions of the Commissioner because, as is specifically stated in MPEP §803, in imposing a restriction requirement, the Examiner must show that:

(A) the inventions are independent (*see* MPEP §802.01, §806.04, §808.01) or distinct as claimed (*see* MPEP §806.05 - §806.05(i)); **and**

(B) there will be a **serious burden** on the Examiner if the restriction requirement is not imposed (*see* MPEP §803.02, §806.04(a) -§806.04(i),§808.01(a), and §808.02). It is respectfully submitted that there would **not be a serious burden** upon the Examiner in searching Groups I and II.

**Firstly**, the Examiner has failed to show any type of burden, much less a serious burden, in the absence of a restriction requirement. In particular, not only has the Examiner failed to show that the search would impose a burden, but also the Examiner has failed to show that any burden would

rise to the level of a serious burden. As stipulated in MPEP §803, if the search can be made without serious burden, the Examiner **must examine the application on the merits**, even if there are separate and distinct inventions. The Examiner has not alleged any serious burden in the Office action mailed on 1 April 2008 (Paper No. 20080325) and thus the Examiner must examine the entire application. Moreover, because no burden was shown, if the restriction is not withdrawn in the next Office action, the restriction requirement cannot be made final according to MPEP §706.07.

**Secondly**, whereas the Examiner has stated that the invention of Group I including claims 1-13, drawn to a flat panel display, classified in class 257, subclass 690; and Group II including claims 14-17, drawn to a method of fabricating a flat panel display, classified in class 438, subclass 123, it is submitted that, in order to perform a comprehensive search, the Examiner is going to be compelled to perform some searching in both classes 257 and 438. A search of the U.S. Patent Collection produced the following partial list of recent U.S. Patent issues which are in fact classified in both class 257 and class 483:

**Results of Search in US Patent Collection db for:**

**(CCL/257/690\$ AND CCL/438/123\$): 32 patents.**

Hits 1 through 32 out of 32

	<u>PAT. №</u>	<u>Title</u>
1	7,332,757	MOSFET package
2	7,279,780	Quad flat no-lead (QFN) grid array package, method of making and memory module and computer system including same
3	7,256,488	Semiconductor package with crossing conductor assembly and method of manufacture
4	7,253,506	Micro lead frame package

5	7,204,017	Manufacturing method of a modularized leadframe
6	7,196,409	Semiconductor device, semiconductor body and method of manufacturing thereof
7	7,176,062	Lead-frame method and assembly for interconnecting circuits within a circuit module
8	7,075,173	Interposer including adhesive tape
9	7,049,694	Semiconductor package with crossing conductor assembly and method of manufacture
10	7,008,824	Method of fabricating mounted multiple semiconductor dies in a package
11	6,992,377	Semiconductor package with crossing conductor assembly and method of manufacture
12	6,953,291	Compact package design for vertical cavity surface emitting laser array to optical fiber cable connection
13	6,838,755	Leadframe for integrated circuit chips having low resistance connections
14	6,790,711	Method of making semiconductor device
15	6,777,800	Semiconductor die package including drain clip
16	6,646,330	Lead frame for semiconductor device, process for producing the same and semiconductor device using the same
17	6,627,982	Electric connection structure for electronic power devices, and method of connection
18	6,590,283	Method for hermetic leadless device interconnect using a submount
19	6,483,181	Multi-chip package
20	6,483,178	Semiconductor device package structure

21	6,472,251	Method for integrated circuit packaging
22	6,404,065	Electrically isolated power semiconductor package
23	6,400,004	Leadless semiconductor package
24	6,388,336	Multichip semiconductor assembly
25	6,387,730	Hybrid S.C. devices and method of manufacture thereof
26	6,194,291	Microelectronic assemblies with multiple leads
27	6,165,818	Method of manufacturing a semiconductor device with a pair of radiating terminals and a plurality of lead terminals formed from a single lead frame
28	6,081,031	Semiconductor package consisting of multiple conductive layers
29	6,077,727	Method for manufacturing lead frame
30	5,960,262	Stitch bond enhancement for hard-to-bond materials
31	5,930,602	Leadframe finger support
32	4,685,998	Process of forming integrated circuits with contact pads in a standard array

The foregoing listing of art included within both Groups I and Group II demonstrates both the lack of burden upon the Examining staff in making a simultaneous search of both Groups I and II and the absence of evidence that Groups I and II are distinct. It is submitted that Applicant's foregoing listing of a search of the U.S. Patent Collection produced the above-repeated partial list of recent U.S. Patent publications and U.S. patent issued which are in fact classified in both class 257 and 438, subclass 690 and 123. Thus, under long standing Office practice extending over approximately three decades, the fields of search are coextensive with respect to the two groups of claims, and therefore the restriction requirement serves no purpose other than to impose an undue burden and unnecessary expense upon the Applicants (*see* MPEP §802.01, §806.04, §808.01).

**Thirdly,** MPEP §806.03 states that:

“Where the claims of an application define the same essential characteristics of a *single* disclosed embodiment of an invention, restriction therebetween **should never be required**. This is because the claims are but different definitions of the same disclosed subject matter, varying in breadth or scope of definition” (emphasis supplied).

Why, then has this prohibition been violated in the above-captioned application where a single embodiment has been disclosed? The Examiner’s attention is invited to note that all of the constituent components of claims 1 through 13 and newly presented linking claims 18 through 20 are present in claims 14 through 16 directed to the subject matter of non-elected Group II. That fact, and the fact that Applicant’s claims are very broad in scope, and cover a plethora of implementations of the principles of Applicant’s inventions, is not a basis for violating this prohibition against restriction. Withdrawal of this requirement is therefore respectfully urged.

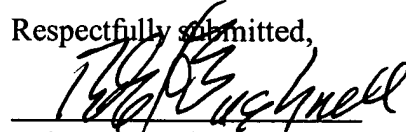
For the above reasons, it is respectfully submitted that the restriction requirement is unnecessary, is not in accordance with the Rules of Practice or the *Manual of Patent Examining Procedure*, and constitutes the imposition of an undue burden and unfair expense upon the Applicants. Therefore, the restriction requirement should be withdrawn.

If the requirement for restriction is not withdrawn, then the Applicants reserve the right to file a Petition to the Commissioner because there is no *serious* burden upon the Examiner in searching the invention of Group I and Group II.

In view of the foregoing demonstration of the impropriety of this requirement, it is requested that the restriction requirement be withdrawn. It is further submitted that the application is in condition for examination on the merits, and early allowance is requested.

No fee is incurred by this response.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. E. Bushnell", written over a horizontal line.

Robert E. Bushnell,

Attorney for the Applicant

Registration No.: 27,774

1522 "K" Street N.W., Suite 300  
Washington, D.C. 20005  
(202) 408.9040  
FAX: 202.289.7100

Folio: P56937  
Date: 5/1/08  
I.D.: REB/fw